

TO: The Honorable Board of Supervisors
FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Deputy County Administrator
DATE: December 14, 2015
SUBJECT: **AGENDA REPORT**

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS, RECOGNITIONS, AND AWARDS

A. Resolution of Appreciation – James T. Whitt

The Board will recognize James “Tommy” Whitt for serving in local law enforcement for 39 years and as the Sheriff for Montgomery County for twelve years, 2004-2015.

B. Recognize County Retirees

The Board will recognize the following county employees who retired:

George Reed	Sheriff’s Department	31 years
Clarence Wood	Sheriff’s Department	28 years
Rita Sullivan	Finance Department	26 years
Glenna Turner	Finance Department	35 years

C. Virginia Department of Transportation

David Clarke, VDOT, will provide an update on road projects/issues in Montgomery County.

V. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the “NEW RIVER VALLEY” Section of the Roanoke Times on November 27, 2015 and December 4, 2015:

1. Rezoning Request – Robert & Charlotte Apgar
Request by Robert & Charlotte Apgar (Agent: JMB Investment Company LLC) to rezone a total of 1.492 acres with approximately 0.21 acres from General Business (GB) to

Agricultural (A1) and 1.28 acres from General Business (GB) to General Business (GB), with revised proffered conditions, to allow a retail establishment. The property is located at **the Northwestern intersection of Green Hill Lane (Rte. 834) and Roanoke Rd (Rte. 11/460)**; identified as a portion of Tax Parcel No. 47-A-32, (Parcel No. 000839) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Planned Light Industrial/Commercial within the Lafayette Route 11/460 Corridor Plan. See TAB **A**.

2. Rezoning Request – Montgomery County Board of Supervisors
Request by Montgomery County Board of Supervisors to rezone approximately 4.878 acres from Conservation (C1) and Manufacturing Light (ML) to Agricultural (A1), to incorporate the property into the existing Agricultural (A1) zoning district. The property is located at **480 Cinnabar Rd**; identified as tax map nos. 67-A-234, 67-A-161A (Parcel No. 035206, 034291) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan. See TAB **B**.

1. Action from Public Hearings

VI. PUBLIC ADDRESS

VII. ADDENDUM

VIII. CONSENT AGENDA

IX. OLD BUSINESS

- A. **SUBJECT: ORDINANCE – PRORATION OF PERSONAL PROPERTY TAX**

ORD-FY-16-
AN ORDINANCE AMENDING CHAPTER 2, ENTITLED ADMINISTRATION,
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA
BY ADDING SECTION 2-32.1 TO ESTABLISH THE PRORATION
OF TANGIBLE PERSONAL PROPERTY TAX ON MOTOR VEHICLES,
TRAILERS, SEMI- TRAILERS AND BOATS

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, entitled Administration of the Code of the County of Montgomery, Virginia, shall be amended and reordained by adding Section 2-32.1 as follows:

Sec. 2-32.1 Personal Property Tax on Motor Vehicles, Trailers and Boats –

Proration

- (a) There shall be a tangible personal property tax at the rate established each year by the Board of Supervisors on motor vehicles, trailers, semi-trailers and boats (“taxable property”) which have a situs within the County on January First of each year and which acquire a situs within the County on or after January Second, 2016 and all years thereafter. When taxable property acquires a situs within the County on or after January Second, the personal property tax for that year shall be prorated on a monthly basis. When taxable property with situs in the County is transferred to a new Owner, personal property tax will be assessed to the new Owner prorated on a monthly basis. When taxable property with a situs in the County is transferred to a new Owner, personal property tax will be assessed to the new Owner prorated on a monthly basis for the portion of the tax year during which the new owner owns the taxable property. For purposes of proration, a period of more than one-half ($\frac{1}{2}$) of a month shall be counted as a full month and a period of less than one-half ($\frac{1}{2}$) of a month shall not be counted. All taxable property shall be assessed as of January First of each year. When any person, after January First, acquiring any taxable property within the County, the taxes shall be assessed on such taxable property for the portion of the tax year during which the new Owner owns the taxable property has its situs in the County. The tax shall be due on December fifth or within thirty (30) days after presentation or mailing of the bill from the Treasurer, whichever is later.
- (b) When any taxable property loses its situs within the County or its title is transferred, the taxpayer shall be relieved from personal property tax and receive a refund for personal property tax already paid prorated on a monthly basis, upon application to the Commissioner of the Revenue; provided that application is made within three (3) years from the last day of the tax year during which the taxable personal property lost situs or had its title transferred. No refund of less than five dollars (\$5.00) shall be issued to a taxpayer, unless specifically requested by the taxpayer. No refund shall be made if the taxable property acquires a situs within the Commonwealth in a non-pro-rating locality. When any taxable property loses its situs within the County and acquires a situs within another state, the taxpayer shall not be entitled to a refund except upon a showing of sufficient evidence that the taxpayer has been assessed and has paid taxes on such taxable property for the remainder of the tax year to such state.
- (c) An exemption from this tax and any interest or penalties arising therefrom shall be granted for any tax shown or portion thereof during which the property was legally assessed by another jurisdiction and that such tax on the assessed property was paid.
- (d) Any person who moves from a non-prorating locality to the County after January First shall be entitled to a personal property tax credit for the

remainder of the year for each motor vehicle on which he or she paid personal property taxes to a non-proration locality. If the Owner replaces for any reason the original vehicle upon which taxes are due to the non-proration locality for the same tax, the County shall provide a credit against the total tax due on the replacement vehicle in an amount equal to the tax paid to the non-prorating locality for the period of time commencing with the disposition of the original vehicle and continuing through the close of the tax year in which the Owner incurred tax liability to the non-prorating locality for the original vehicle.

- (e) The County Treasurer may apply any refunds under this section to any delinquent accounts owed by the taxpayer. In addition, a refund may be credited against the tax due on any other motor vehicle, trailer, semi-trailer or boat owned by the taxpayer during the same year.

This Ordinance shall go into effect on January 1, 2016.

ISSUE/PURPOSE: Establish the proration of tangible personal property tax on motor vehicles, trailers, semi-trailers and boats.

**B. SUBJECT: ORDINANCE - REZONING REQUEST
ROBERT & CHARLOTTE APGAR**

**ORD-FY-16-
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF
APPROXIMATELY 0.21 ACRES FROM GENERAL BUSINESS (GB) TO
AGRICULTURAL (A1) AND 1.28 ACRES FROM GENERAL BUSINESS (GB)
CONDITIONAL TO GENERAL BUSINESS (GB) CONDITIONAL WITH REVISED
CONDITIONS IN THE SHAWSVILLE MAGISTERIAL DISTRICT (DISTRICT C)
LOCATED AT 2221 GREEN HILL LANE, IDENTIFIED FURTHER AS TAX PARCEL
NO. 047-A-32, PARCEL ID. NUMBER 000839
ROBERT & CHARLOTTE APGAR**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning request is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone approximately 1.492 acres with approximately 0.21 acres from General Business (GB) to Agricultural (A1) and 1.28 acres from General Business (GB), conditional to General Business (GB) conditional to revise the current proffered conditions to allow a retail establishment, with the following proffered conditions:

- 1) The property shall be developed in general conformance with the conceptual plan by Hurt & Proffitt dated 11/30/2015 and on file in the office of Montgomery County Planning & GIS.

- 2) The site will be developed to be served by Montgomery County PSA for water and shall be on a private septic system until such time as a connection to PSA sewer is feasible.
- 3) A monument sign will be installed.
- 4) A wooden dumpster screen, or similar, will be provided.
- 5) A combination of wood screening and landscaping will be used on the north property boundary abutting Mr. Apgar's residence and along the west property boundary abutting the Moores Chapel property. Landscaping per the Zoning Ordinance requirements will be utilized along the other two property boundaries.
- 6) A varying width, 10' maximum, asphalt shared use path, and associated landscaping, consistent with the Village Transportation Links Plan and the Lafayette Route 11/460 Corridor Plan will be installed from the pavement edge of Green Hill Lane along the south property line paralleling Route 460 to the western boundary line, inside a dedicated public easement.
- 7) Architectural elevations are proffered per the attached design labeled A02 Elevations/Exterior Finish Schedule and dated 7/20/15.
- 8) The property will be subdivided along the zoning line based on the zoning for this application.
- 9) A new left turn lane on route 11/460 NBL, and a median realignment with Green Hill Lane, will be constructed as part of the project in accordance with VDOT Road and Bridge Standards and Specifications, to provide safer vehicular access to Green Hill Lane, not only for the proposed business but also the adjoining land owners. The turn lane and median realignment will be constructed or a surety covering the cost of the construction will be issued to the County or VDOT prior to a certificate of occupancy being issued.

The subject parcel is located at 2221 Green Hill Lane; identified as Tax Parcel No. 047-A-32, (Parcel ID Nos. 000839) in the Shawsville Magisterial District (District C).

The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Planned Light Industrial/Commercial within the Lafayette Route 11/460 Corridor Plan.

This action was commenced upon the application of owners Robert & Charlotte Apgar (Agent: JMB Investment Company LLC).

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: To rezone .21 acers from General Business to Agricultural and 1.28 acres from General Business to General Business with revised conditions.

JUSTIFICATION: The applicant has requested to rezone the entire parcel to General Business to allow for a Dollar General store. The Planning Commission recommended approval of the request.

C. SUBJECT: ORDINANCE – MONTGOMERY COUNTY BOARD OF SUPERVISORS

**ORD-FY-16-
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 4.208 ACRES FROM MANUFACTURING LIGHT (ML) TO AGRICULTURAL AND 0.67 ACRES FROM CONSERVATION (C1) TO AGRICULTURAL (A1) IN THE CENTRAL MONTGOMERY DISTRICT (DISTRICT B) LOCATED AT 480 CINNABAR RD. IDENTIFIED FURTHER AS TAX PARCELS NO. 067-A-234, 067-A-161A, PARCEL ID. NUMBER 035206, 034291**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning request is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone 0.67 acres from Conservation (C1) to Agricultural (A1) and 4.208 acres from Manufacturing Light (ML) to Agricultural (A1), to incorporate the property into the existing Agricultural (A1) zoning district.

The subject parcels are located at 480 Cinnabar Rd; identified as tax map nos. 67-A-234, 67-A-161A (Parcel No. 035206, 034291) in the Central Montgomery District (District B).

The property currently lies in an area designated as Urban Expansion/Rural in the 2025 Comprehensive Plan.

This action was commenced upon the application of owners Montgomery County Board of Supervisors.

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: Rezoning Request by the Montgomery County Board of Supervisors.

JUSTIFICATION: The rezoning request is to incorporate the property into the County's existing A-1 parcel. The Planning Commission recommended approval of the request.

X. NEW BUSINESS

A. SUBJECT: RESOLUTION TO ADOPT A POLICY ON PAID PARENTAL LEAVE

**R-FY-16-
RESOLUTION TO AMEND THE COUNTY'S PERSONNEL POLICES AND PROCEDURES BY ADDING SECTION 8.17, PAID PARENTAL LEAVE**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the addition of Section 8.17, Paid Parental Leave, to the County Personnel Policies and Procedures as follows:

8.17 PAID PARENTAL LEAVE

- A. The purpose of the Paid Parental Leave Policy is to enable eligible employees to bond with a newborn or a newly adopted child. Eligible employees will receive a maximum of four weeks (160 hours) of leave.
- B. An eligible employee must have been employed by the County for at least 12 months and worked at least 1,250 hours in the previous year. In addition, the employee must meet one of the following criteria:
 - 1. Given birth to a child;
 - 2. Spouse of a woman who has given birth to a child; or
 - 3. Adopted a child who is 17 years of age or younger.
- C. Employees who have primary employment with the County, but who also work a second, part-time job shall be eligible for leave.
- D. Temporary full-time employees are not eligible for paid parental leave.
- E. If both eligible employees work for the County, employees will jointly share four (160 hours) weeks of parental leave.
- F. Paid parental leave shall run concurrently with Family and Medical Leave Act (FMLA), as outlined in section 8.15 of the Personnel Policies and Procedures Manual.
- G. Employees shall be required to provide the Human Resources Department with appropriate documentation for leave, such as a birth certificate or letter from an adoption agency.
- H. Employee shall provide a thirty (30) day notice of the intent to utilize paid parental leave, or as much notice as practical if the leave is not foreseeable.
- I. After paid parental leave and any short-term disability leave is exhausted, the balance of FMLA leave will be compensated through employees' accrued leave and/or leave without pay.

- J. Each week of paid parental leave is compensated at 100 percent of the employees' regular, straight-time weekly pay.
- K. Female employees who are classified as a Hybrid employee under the Virginia Retirement System (VRS) shall file for short-term disability, which will cover 60% of time missed during paid leave. The remaining 40% of the benefit will be covered by paid parental leave.
- L. Paid parental leave will be paid on a twice-monthly basis on regularly scheduled paydates.
- M. The County will maintain all other eligible benefits for employees during the paid parental leave period.
- N. The employee's share of benefit premiums shall be deducted from the employee's pay in accordance with the County's normal practice.
- O. Employees are eligible for merit and/or salary increases awarded while the employee is on paid parental leave.
- P. Holiday pay will not extend paid parental leave.
- Q. If an employee elects to return to work before the end of the four week (160 hours) period, the paid parental leave benefit shall cease.
- R. Upon termination of the employee's employment at the County, he or she shall not be paid for any unused paid parental leave.

ISSUE/PURPOSE: To adopt a policy on paid parental leave.

XI. COUNTY ATTORNEY'S REPORT

XII. COUNTY ADMINISTRATOR'S REPORT

XIII. BOARD MEMBERS' REPORTS

1. Supervisor Perkins
2. Supervisor Tuck
3. Supervisor Gabriele
4. Supervisor Creed
5. Supervisor King
6. Supervisor Biggs
7. Supervisor Brown

XIV. OTHER BUSINESS

XV. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Monday, January 11, 2016
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting

Adjourned Meeting
Monday, January 25, 2016
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting